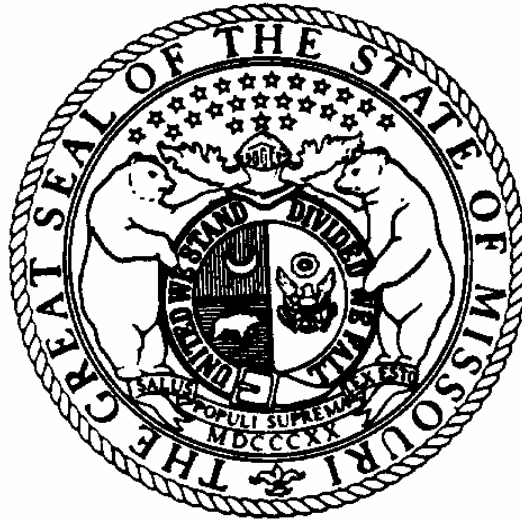


**REPORT
OF
SENATE INTERIM COMMITTEE
ON
ADOPTION PROMOTION AND
CHILD SUPPORT ENFORCEMENT**



January 2007

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Prepared by

Alexa Pearson, Senate Research Staff Attorney

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The Honorable Michael Gibbons, President Pro Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Mr. President:

The Senate Interim Committee on Adoption Promotion and Child Support Enforcement, acting pursuant to Rule 31 of the Missouri Senate, has met, taken testimony, deliberated, and concluded its study on issues involving adoptions and child support enforcement in Missouri. The committee focused on issues relating to the recruitment and retention of adoptive homes, funding or services that could be provided to help ensure successful adoptions, and the current processes and laws with regards to termination of parental rights and adoptions. The committee also examined issues relating to child support enforcement, including exploring ways to improve customer service, and studied current state processes and laws with regards to the establishment of paternity, locating non-custodial parents, and initiation of support orders, in order to help provide for effective enforcement and modification of support orders and timely distribution of support. The committee now presents to the General Assembly a report of information received and proposed recommendations for legislative actions to address these issues.

Senator Norma Champion, Chair

Senator Jack Goodman

Senator Bill Alter

Senator Maida Coleman

Senator Rita Heard Days

Senate Interim Committee on Adoption Promotion and Child Support Enforcement

I. OVERVIEW

Currently, families who adopt children from the Missouri foster care system receive financial assistance in the form of a subsidy. However, there is an increasing awareness that families are in need of additional post-adoptive supports. There is a large amount of variability across the country with regards to support services offered to adoptive families, but newer studies show that post-adoption supports can make a difference in recruitment and retention of adoptive homes, as well as decreasing the chances that the adoption will be disrupted. Additionally, there is a need to examine the consequences of the enactment of House Bill 1453 (2004), as well as a continued examination of ways to make the process of termination of parental rights and adoption more streamlined and efficient.

With regards to child support, several news articles were released in 2006 discussing the case of Herbert L. Chalmers, whose garnishment for child support was increased fivefold due to a clerical error, and who attempted to address the issue for several months with the Department of Social Services before engaging on a shooting spree that left four persons dead and one injured. There is a continuing need to look at the methods used to locate, establish, and enforce child support orders against parents, and, as this is an emotionally-charged process, working with the Department to address customer service issues is also important.

Recognizing that there is a need to improve the recruitment and retention of adoptive homes in order to provide for a permanent and stable home for Missouri children, and that there have been several issues with regards to the efficient and correct establishment and enforcement of child support orders, President Pro-Tem, Senator Gibbons, established the Senate Interim Committee on Adoption Promotion and Child Support Enforcement.

The Senate Interim Committee on Adoption Promotion and Child Support Enforcement was charged primarily with:

- 1) Studying the recruitment and retention of foster and adoptive parents in Missouri;
- 2) Examining the use and effectiveness of funding with regard to promoting adoption of foster children in this state;
- 3) Examining the practices and outreach efforts this state has undergone in the past and making recommendations to improve the effectiveness thereof;
- 4) Evaluating current adoptive processes and reviewing them in order to identify obstacles and barriers associated with the adoption process;
- 5) Reviewing current law relating to adoption and termination of parental rights (TPR) to determine whether modifications could be made to encourage adoption in Missouri and to make the adoption and TPR process more efficient and cost-effective;

6) Exploring ways to improve customer service and the timeliness and accuracy of processing and disbursing child support collections;

7) Studying the state's responsibilities including locating parents, establishing paternity, establishing child and medical support orders, monitoring and enforcing compliance with child and medical support orders, reviewing and initiation modification of support orders, and distributing support collections.

The committee held three public hearings and solicited testimony from a wide range of sources regarding the aforementioned issues. Hearings were held in the following locations:

October 19, 2006

November 14, 2006

November 28, 2006

Springfield, Missouri

St. Louis, Missouri

Jefferson City, Missouri

Based on the testimony and information presented at the hearings, the interim committee has developed and adopted a list of recommendations. Section II of this report summarizes testimony and information presented to the committee, and Section III contains recommendations adopted by the committee.

II. SUMMARY OF TESTIMONY

During the course of the three public hearings, the committee gathered a tremendous amount of information about the process of adoption and child support enforcement in the state

of Missouri. The committee heard from a variety of sources, including persons who work for or with state and private agencies involved with children in state custody, those who license or evaluate adoptive homes, those who provide support to adoptive and foster families, and those who work for or with agencies and support groups involved with child support enforcement, modification, collection, and distribution.

A. First Meeting, October 19, 2006, Springfield, Missouri.

On October 19, 2006, the committee held its first meeting in Springfield, Missouri. The committee began its work by hearing testimony regarding adoption promotion, and finished by hearing testimony on child support enforcement.

1. The following witnesses testified regarding adoption promotion:

The first witnesses were Amy Martin and Mary Turner from the Children's Division of the Department of Social Services. Ms. Martin described several of the ways adoptions occur in this state, including private, international, and those that occur through the state foster care system. Ms. Martin explained that most children in foster care are adopted by foster parents, who are found through a variety of recruitment methods, including adoption fairs, faith-based agencies, child-specific recruitment, and other methods.

Ms. Turner testified that in Greene County, her place of employment, they have found through experience that larger venues were not as effective when attempting recruitment of foster families; smaller venues and child-specific recruitment have been much more successful, especially when children can meet and spend quality time with families that might want to adopt them. They also have seen good results in the faith-based communities, and have solicited help from several churches and faith-based agencies to help with targeted recruitment.

Ms. Turner described the screening and licensure of potential foster or adoptive families. The families must attend a nine-week class during which the agency tries to determine if the families have a realistic idea of adoption, and workers must conduct home visits and have many conversations with the families to see if they understand the long-term implications of adoption. Ms. Turner stated that they utilize a nationwide screening process and conduct thorough background checks of each potential foster family, which are free of cost to the family.

Ms. Martin explained that the primary goal for those who work with children in foster care is to explore reunification with the biological parents. If that is not possible, then they look to relatives or close friends of the family to see if they can care for the child. If none of those options are possible, then they must look at the options of guardianship or adoption. The goal is to place the child with their family, or in the most family-like setting, and since there are not enough people on the foster care list to care for the children, exploring kinship or relative placements is a necessary process. She stated the process is also continuous, because often family members are not known about at the time the children are removed from the home. Workers can only initiate contact based on information given to them by the family when the

children are taken into custody, and while there is an intake process, the families are often very emotional and may not give enough information initially. Ms. Turner stated that information about family members is discussed at every family support team meeting, and workers also complete a genealogy or family tree to help discover relative placements.

Ms. Martin stated that the initial goal for the child is generally reunification, but workers must also work towards permanency for the child. She stated that they never want to set up a foster family to think that they will be the child's permanent home if reunification is the goal, and that this could initially cause children to be placed in temporary foster home rather than a pre-adoptive home. However, many foster families that did not initially intend to adopt change their minds once they get to know the children. Ms. Turner stated that the greatest problem families seem to have is that they feel they do not have adequate resources to prepare them for the special experiences that many foster children have encountered, and this makes them hesitant to foster or adopt.

The second witness regarding adoption promotion was Judge Welsh, a Circuit Judge in Clay County and an administrative judge for the Family Court. Mr. Welsh discussed the process of termination of parental rights (TPR) in relation to how it helped or hindered the adoptive process. He stated that there are constitutional dimensions to any TPR; we all have a liberty interest in our own family unit, and there is a presumptive right of parents to raise their children as they see fit. He testified that along with this constitutional dimension, we have standards. Any laws that the legislature enacts are subject to strict scrutiny with regards to how they affect the family unit, as is any decision by the trial court; appellate courts must give any decision or law in this area the highest level of scrutiny.

Judge Welsh stated that the burden of proof in a TPR case is that the evidence to terminate must be "clear, cogent and convincing," which is the second-highest burden of proof required in a trial, just under "beyond a reasonable doubt." The evidence must instantly tilt the scales in favor of termination when weighed in opposition to evidence against termination. The appellate courts say that their standard of review for a TPR case is that they must affirm it unless it is not supported by substantial evidence, or erroneously declares or applies the law, or is against the weight of the evidence. The third element, whether or not the case is against the weight of the evidence, is the hardest to judge, and if the committee is looking to tweak the standard, Judge Welsh believes it would be the element to focus on. Judge Welsh pointed to a recent Missouri Supreme Court decision, *In re K.A.W.*, 133 S.W.3d 1 (Mo. banc 2004), in which Judge Teitelman stated that TPR is tantamount to a "civil death penalty," which leads people to believe that delay is inherent in these cases.¹ He stated that while termination is drastic, and

¹ Additionally, in *K.A.W.*, the Court noted that while appellate courts should give deference to the findings of fact of the trial court, TPR cases must be proved by clear, cogent, and convincing evidence, and therefore appellate courts must closely examine the trial court's findings. The Court determined that the evidence was insufficient to uphold the TPR and reversed the trial court's decision with a 4-3 majority, with Judges Price, Benton, and Limbaugh dissenting. The dissenting judges mainly felt that the evidence was sufficient to uphold the

should be the last resort, it should not be so onerous that it is impossible to achieve without great delay. He does not think appellate review in these cases is all that onerous, although it may need some modification.

Discussing the Juvenile Office and the Children's Division, Judge Welsh answered that while there is overlap, there is not duplication. Judge Welsh analogized that Juvenile Officers are more like prosecutors in the adult criminal justice system, and Children's Service workers are more like police officers. Each serves a distinct function, but their paths often cross. Children's Service workers spend a lot more time in the homes and with the children, and Juvenile Officers deal with other distinct issues. However, they all work together, especially when determining whether to file for termination of parental rights after the child has reached the legislative timelines. While the filing is not automatic, the Children's Division, the Juvenile Office, and the child's Guardian ad Litem must give their opinion as to whether TPR is in the best interest of the child. And, due to the constitutional implications, they only terminate the rights of parents who have failed.

In conclusion, Judge Welsh mentioned that a possible recommendation in current law might involve the appellate review of TPR cases and the appellate court's ability to reverse a decision if it is against the weight of the evidence, and mentioned how difficult it is for an appellate court to determine this based only on the case record.

The next witness was Cindy Burks, with Boys & Girls Town of Missouri, who presented information on behalf of Cornerstones of Care, and Boys & Girls Town of Missouri. She stated that Boys & Girls Town and Cornerstones of Care were awarded contracts to provide contracted case management services to several Missouri counties. They currently provide case management for nearly 400 children, at a monthly rate of about \$660 per case. This money covers salaries, administrative costs, and resource development, which includes recruitment, screening, and training of foster and adoptive homes.

Ms. Burks stated that about a fourth of the children case managed by Boys & Girls Town are awaiting adoption, but have not yet had permanent adoptive homes identified. They are focusing on what they can do to recruit a significant number of families, not only to provide foster care, but to be an adoption resource. She stated that when you look at the laws surrounding adoption, and the resources of the state agencies, it's clear that the recruitment of the families will take money. She said we need to look at the reputation of the agencies that focus on recruitment, also. Ms. Burke testified that 40 to 90 percent of foster parents adopt children who were initially in their home, which is why recruitment of foster families is so important. She suggested that we also need to focus on subsidy rates to see if they are consistent with what a family needs to raise a child in this state. She mentioned that in Greene County, the average age of children in foster care is 9.4 years of age, and that older children and those with special

decision, and that the majority was not giving adequate deference to the trial court's findings.

needs are in the majority, and the subsidies need to adequately reflect the needs of these children. She also stated that sometimes symptoms of problems may not surface until the children are in teenage years, and the subsidies should also reflect this.

Ms. Burks stated that she believes there must be a solid collaboration between state and private agencies, and that there must be sufficient community resources, in order to successfully recruit foster homes. She also presented information regarding research from states that are successful, which shows that community groups seem to be the most able to recruit foster and adoptive homes for children with special needs.

The next witness was Charlie Stevens, an adoptive parent from Taney County, Missouri. He has three biological children and has adopted two children, and has had about seventy foster children reside at his home in the past five years, as well as working with several statewide committees to represent the view of adoptive and foster parents. He stated while there are "bad apples" in every business, ninety percent of the foster families he has met are fostering because they care about children, not because of the money they receive, especially since the subsidy only covers about half of what is financially needed to raise a child. He thinks that working with the churches to recruit more families is important, and he agrees that there are not enough foster homes for the children in this state. He mentioned that he had heard children were actually residing in mental hospitals because there were no other placements for them, and he believes there should be more emphasis on finding family-like settings for the children.

Mr. Stevens stated that foster families need more information about the children that are being placed with them, in order to prevent future disruption. Often, the problems of the parents that caused the children to enter state custody are passed on; the children may be physically or sexually abused, or severely neglected, and these issues create special problems. He also mentioned that when he adopted the two foster children, his subsidy decreased, so that it actually doesn't pay to adopt the children. He thinks the current subsidy system needs to be reexamined. He stated that changes are taking place, and appreciates the work the committee is undertaking, but that a main problem is that workers are completely overloaded. In his county, there are about three workers for every two hundred children in state care, and many counties are in a serious crisis. He mentioned that contracting with private agencies has also helped with the overload of cases in several counties.

The next witness was Cathy Strickland, also a foster and adoptive parent. She brought information to show what her family's insurance has paid for just one of the children she cares for. She stated that it costs the state an average of \$4300 monthly to feed and care for her child, which includes her feeding equipment and food, but that she is also required to be with the child constantly. She also suggested that agencies need to work more with the churches, especially to point out the scripture that commands us to take care of children. She thinks this is a community-wide problem, and really feels that many people are not as involved as they should be. Twenty years ago when her family started this process, there were horrendous problems in the system. While she thinks progress is being made and positive changes are occurring, she thinks Children's Service workers need to be more compassionate. She thinks the agency makes

an effort to get rid of problem workers, but there are still bad workers out there, and she suggests that an attitude change is needed.

Ms. Strickland suggested that agencies also try to get more community involvement to help take care of foster children. Her family went down to one income because she has to be home full-time to care for the children, and that even if people have a huge heart and desire to care for children with special needs, that it is difficult to do so without additional community support. Just getting basic items, like beds, can be a huge expense. Also, since she has to take care of the children full-time, some backup help would really help. Although First Steps is available in her area, this program stopped providing assistance to her children after they turned three. Given the huge expense that the state would incur if her child were in a hospital or an institution, she feels that additional support should be given to her family to prevent that from occurring. She has also had problems with the insurance companies. She explained that when you adopt a child in Missouri, the children are put on the adoptive parent's insurance first, and Medicaid is the secondary provider. However, several of their children's bills were refused by their insurance company, she has had extreme difficulty determining if the bills were ever sent to Medicaid, and the end result is that their credit has been destroyed, preventing her family from borrowing any more money to help the children.

Ms. Strickland would also like to see the laws changed with regard to foster or adoptive children being able to locate their biological parents. In Missouri, at age seventeen, the child is considered an adult and is free to leave the home. One of her adoptive children left home early because the child's birth mother encouraged her to do so, but then another state threatened to charge Ms. Strickland with child abandonment. She thinks these laws need to be examined. She would like to see legislation that prohibits children from dropping out of high school, as well as new laws that forbid birth parents from contacting an adopted child prior to their twenty-first birthday.

The next witnesses were Marilyn Nolan and Jan Shears, from the Lutheran Family and Children's Services of Missouri, which has a performance-based contract with Greene County, and is a part of the Adoption & Foster Care Coalition of Missouri. They primarily wanted to address the issues of termination of parental rights and how these laws relate to adoption. Ms. Shears testified that there are some unnamed consequences from child welfare reform that have occurred over the past several years. In certain situations, the way you free a child for adoption can be a voluntary process. However, because of the changes in the laws relating to TPRs, it is very difficult to currently achieve a voluntary TPR, and each jurisdiction treats them in a different fashion. Some Juvenile Officers will not let a petition come through to terminate a parent's rights on a voluntary basis. She stated that there are also no resources to help families or women that wish to voluntarily give a child up for adoption. There is a crisis care contract that will provide voluntary foster care, however. She also stated that post-adoption support, as was mentioned in previous testimony, also needs to be addressed. Ms. Nolan and Shears testified that while the adoption subsidies are helpful, there is currently very little post-adoptive support. They do believe Missouri should be commended for its partnership with private and public agencies, which have helped improve things in this area.

The next witness, Deanna Gallagher, a lobbyist for the Missouri Council for Children at Risk, discussed “special needs” children in foster care, and explained there are varying rates of subsidy for different qualifications, and the rate increases for children with behavior, medical or other special needs. However, the federal law has defined this so loosely that almost every child could qualify for an increased subsidy rate. She also discussed the reunification process, and said that many children are removed from their homes and are placed in pre-adoptive homes, which might provide obstacles to reunification, but that there are more pre-adoptive homes available than foster homes who do not have adoption as a goal. She also discussed the federal financial incentives, due to the 1997 Adoption and Safe Families Act,² that provide an incentive for agencies to terminate a parent’s rights by providing bonuses for each year the agency adopts out more children than a prior year. Once the children are adopted, she claimed there is still a great expense to the state because the adoptive parents are eligible for subsidies, Medicaid, daycare, and food stamps, without an examination of their means. Also, there may not be funds to provide the best services to families during the reunification process, the parents or guardians may not have an attorney appointed for them until the goal becomes termination of parental rights, and the process is difficult to stop once commenced.

The next witness, Lana Henry, a foster and adoptive parent from Newton County, who stated that she was disappointed at the way she was treated by the agency. She felt she was not treated as a team member, and that workers and supervisors were too busy, did not communicate or work with them, did not visit often enough, and that this leads to inadequate provision of services to the biological parents. She was also upset that a child they cared for was removed from their home, with no written notice, and was placed with a family member without any consultation with the biological parents. She feels that the laws are good, but that they are not being implemented correctly.

Carlila Sherman, representing her two children in foster care, stated that she also felt excluded from the team process with the agency. She felt that her statements in team meetings were inaccurately reported to the court, that court reporters were necessary in team meetings for accurate records, and that adoption is against her religious beliefs but the children are in a pre-adoptive home.

Tamara Bland, a parent of children in state custody, submitted written testimony describing her problems with the child protection system.

² Adoption and Safe Families Act, Pub. L. No. 105-89, 111 Stat. 215 (1997) (codified as amended in 42 U.S.C. sections 603, 613, 622, 629, 645, 653, 671-72, 673(b), 674-75, 677-78, 679(b), 901, 1305, 1320, & 5113).

In addition to hearing the previous testimony, there was some discussion among the committee members as to whether families who were forced to give up state public assistance due to welfare reform were becoming licensed to provide foster care in order to continue state assistance. Senator Coleman wanted the committee to be aware that she receives many complaints from the constituents in the Boot Heel area who say that this is occurring. Although the maintenance payments to house the children are among the lowest in the country, \$227 monthly for a child age 0 to 5, \$277 for a child age 5 to 12, and \$307 for a child age 13 and over, in her area this would still cause many families to come out ahead. Amy Martin from the Children's Division stated that St. Louis County has used foster families from the Boot Heel area before as there are not enough homes in St. Louis. The committee members also discussed the types of evidence that causes a family to be brought into the child protection system, or that causes a child to be taken into state custody, and whether the type of malfeasance that brings families into the system should be the only type of evidence that is brought up during the reunification process. Senator Goodman mentioned that he has had complaints that while serious evidence of abuse or neglect causes the cases to be brought into the system, once the families are involved with the state then many other matters are brought up as evidence against parents, and they feel this is unfair.

2. The following witnesses testified regarding child support enforcement:

Sandi Lind, administrator of Child Support Enforcement for Springfield and Branson, and Janel Luck, the Director of the Family Support Division, spoke about the new procedures in child support enforcement offices. Currently, there are about 370,000 cases in the state child support enforcement system. Services provided by the agency can include paternity establishment, child support and medical support order establishment, enforcement of these orders, location of non-custodial parents, and modification of orders. Over a year ago, they began restructuring in order to provide optimal outcomes in their cases. A part of the new structure is a toll-free call center which is available to answer questions or leave messages for their workers. Also, the cases are now being categorized so staff can be more focused on working with each particular case. She also discussed the process of working with other states in an attempt to locate missing parents, but explained that when relying on another state, it can be difficult to receive adequate assistance. Although they have the ability to communicate with some states via a computer, some of the largest states are not yet on the system. They both offered to help the committee in any way possible. Ms. Luck also submitted written testimony describing agency procedures and areas in which the division hopes to improve.

Dennis Tichelkamp, from the Child Support Division of the Greene County Prosecuting Attorney's Office, discussed criminal non-support charges. He stated that their office has an employer database that can inform them if a support-obligated non-custodial parent is working in another state, and that they can request a wage withholding from the state, although it does take some time.

Mr. Tichelkamp also discussed child support for older children that have entered a college or university, and mentioned legislation filed by Senator Champion last year that

attempted to modify this process.³ The committee members discussed the fact that children of divorced parents have a statutory option to receive money towards their education, while children in intact families do not. Mr. Tichelkamp also discussed funding and federal incentives, and stated that he would provide the committee with additional information.

Earl Michael Elmore, Sr., parent, testified about his experiences with the child protection and child support enforcement system, and stated that he has had problems with both.

B. November 14, 2006, St. Louis, Missouri.

On November 14, 2006, the committee held its second meeting in St. Louis, Missouri, at the University of Missouri-St. Louis campus.

1. The following witnesses testified regarding child support enforcement:

The first witness was Janel Luck, the Director for the Family Support Division in Jefferson City. She testified that Missouri has approximately 370 thousand cases in the child support system, and that the agency provides assistance with enforcement and modification of the orders, with enforcement entailing about 300,000 cases, or 81 percent, of the workers' duties. She explained the collection process, including income withholding orders, license suspension or removal, and interception of tax refunds. Workers are placed in a difficult environment because enforcement often angers non-custodial parents, while inability to collect support often angers custodial parent.

She stated that changes recently began taking place that will make the system more efficient, as she previously testified on October 19, 2006. She suggested that the system could be improved by providing for an orientation for custodial parents, so they have a better idea of how the system can work for them and how to utilize services. The agencies also hope for an automated-case reading system in order to better assess case quality and determine what areas to improve. Although they have an internal review process, she feels an objective review would be helpful. It would also be helpful if the division could work with health insurance providers, to help enforce orders to provide insurance for children.

As a facet of quality control, the committee members discussed complaints they had received regarding the lack of professionalism among workers, including complaints that they do not listen or are rude. Ms. Luck stated that many parents are angry at workers because they cannot help with issues such as visitation, and many don't want to pay support if they are being

³ SB 649 (2006), which modified procedures regarding the continued support obligation for children over the age of 18, received a hearing in the Senate's Judiciary and Civil & Criminal Jurisprudence Committee, but did not receive a vote.

denied, but workers have a duty to enforce the orders separate from the issue of visitation. She mentioned a mediation program through the court that can help assist with multiple issues, including both visitation and support.

Ms. Luck explained that the agency has the ability to modify administrative orders, which is a quicker process, but cannot modify court orders, especially since the local courts have varying degrees of business. The committee members discussed having a separate court division, like the drug courts, to deal with modifications.

Judge Thomas Frawley, from the St. Louis City Circuit Court, stated that they started a child support contempt docket in the city several years ago, directed towards enforcement and modification of support. It is a civil docket that took up about two days a month. Many times, the non-custodial parents would show up and explain that they had no jobs or employment skills. He believes we need to do more to help people find employment so they can meet their support obligation.

As previously stated, he agrees that visitation is a major complaint by almost every non-custodial parent who came to court. However, if the non-custodial parent cannot or does not pay, the custodial parent often thinks that withholding visitation is the only thing they can do. He mentioned that they have a mediation and special services unit at the court, and they bring them in when they have complaints about visitation. They can also create exchanges for visitation, if the custodial parent doesn't want the other parent to come to their home, or so that exchanges don't have to take place at police stations, which is difficult for children.

He suggested the committee consider laws to require the support order be retroactive to the date of filing, not just the date the order is served, because often the order cannot be served for some time. Also, since it can take a long time to locate parents to establish and enforce orders, he suggest the court look at what the parent was making at the time the order was requested, not when a motion for contempt is actually heard. He has also heard that there are many complaints about parents with multiple support orders in multiple states, and that states are not allocating money properly, which can result in multiple contempt orders and fines even when a parent is attempting to pay.

Judge Frawley testified that as an adoptive parent of former state foster children, he is somewhat bothered by the fact that tax credits are available for adopting children regardless of whether they are from another country, or from Missouri. He believes there should be more credits for families who adopt children from state foster care, because we s taxpayers are paying to take care of the children in the state system, unlike children in other countries. Also, if we give money for children in the state, rather than from out of the country, perhaps there would be more money to cover the cost of agency services and workers.

He also mentioned that there is often a reluctance of judges to terminate a parent's rights if there is not an adoptive home ready, which creates serious problems. Parents are often afraid to take an at-risk placement, when there is a chance that the children might be returned to their

biological parent, and are less hesitant when they know the children are available for adoption. However, parents need to be provided adequate services; he suggested a liaison or somebody to help them meet the goals the agency has set for them would be helpful, often they are merely handed a list of goals and may not have transportation or a telephone, for example.

The next witness was Lesley Far, a registered lobbyist and representing a board member from the Fathers' Support Center in St. Louis. He stated that he believed the system is broken with regard to fathers and support collection, and disagrees with laws that say there are only three years to object to paternity or, by default, the child is deemed yours, even if evidence is later presented that it is not true. With the prevalence of the use of DNA, he believes that the state should increase the time the father can protest paternity, and also that the state should aggressively pursue and criminal charge custodial parents who point to a person who is not the father of the child. He stated that mandatory DNA paternity establishment for non-married persons should also be required, and the payment for the paternity tests should be able to be paid on an installment basis.

Sebastian Jones, a parent who has been paying child support for over twenty years, stated that he had a difficult time making enough to pay his child support obligation despite working two jobs. Now, even though his main support obligation is over, he still owes 60 thousand dollars in back child support and feels this is unfair.

The committee then heard from Terri McCullum, who is owed over 173 thousand dollars in child support arrearages. The case against her child's father is now being federally prosecuted and he has been indicted. She does not see the same remedies that are available at a federal level in the state. She also stated that she has been hung up on, has dealt with uneducated, untrained, disorganized workers on the state levels. The customer center has improved things, but they are still not working as well as they could be. She is often told that if the non-custodial parent makes a small payment to avoid prosecution, there is nothing else the workers can do. She believes they need separate cases in which the parent truly cannot pay, and the ones where the parent is simply refusing to pay, and that criminal prosecutions should be deemed appropriate for the latter type of cases.

In her case, the father never was prosecuted despite being very able to pay, and the state did not hold him accountable, despite her efforts. When she finally got a federal recommendation, she was told that her worker in Missouri needed to recommend that she be authorized to operate under federal law, which put her on hold for a long time because none of the state workers had heard of the federal laws. Although federal workers had spoken to state workers several times, there is such a high turnover of workers that they would have to have training constantly for all of the workers to be informed.

Halbert Sullivan, founder of the Fathers' Support Center, discussed the ways the center would like to help provide positive outcomes for children. He has also heard testimony regarding rude caseworkers, but in St. Louis they have around 800 or more cases, which is too many to provide good customer service. The mediation programs that were previously

mentioned are not available in Kansas City or St. Louis. Due to the new call center, it is very difficult to get a real person on the phone. Withholding of visitation is a serious problem; the fathers are constantly told that the agency doesn't deal with issues of visitation, but he has seen evidence suggesting that 70 percent of the fathers who get consistent visitation pay their support. He suggests the court appoint a guardian ad litem in such cases, who can deal with visitation and child support.

Michael Taylor, a parent, spoke in praise of the Fathers' Support Center. Although he has now been paying for over five years, and feels he is a better father, he feels the state is not reviewing the support orders correctly and that he is not making enough to provide for himself due to wage withholding orders. He also thinks the custodial parents need to be reviewed to see if they are spending the money on children or things children need. He also feels withholding of visitation by custodial parents is a problem. Another parent, Keith Jefferson, said the system is one-sided and biased against non-custodial parents. He has also had to deal with rude and unprofessional caseworkers, and said cases aren't being reviewed enough for modifications. Patricia Blythe, grandmother of a non-custodial parent, also wanted to thank the Fathers' Support Center for helping her son, and suggest cases be reviewed more often for modification. Roy Brown, a graduate of the Fathers' Support Center, thanked the center and discussed his problems with the system, and feels we need more field investigators who can better detect false allegations. Samuel Pointer from the Fathers' Support Center also discussed rude workers who would not modify his case and took money he was not obligated to pay, and mentioned that because cases are organized by alphabet and not zip code, his worker was not in the office closes to him. Madeline Coburn spoke on behalf of the Fathers' Support Center, and for her own business, Coburn Enterprises, LLC. She discussed her various problems with the system, including the difficulty in having her case moved, she lives in St. Charles but is told her case is being processed out of Jefferson City, is constantly dealing with new workers due to the turnover rate, and she is very frustrated. She has now started her own business to educate others about the system. Virgil Bligh and William Scott, non-custodial parents, also spoke on behalf of the Fathers' Support Center.

The next witness was Andy Shock, President of the Missouri Coalition of the Victims of Child Abuse Laws. He stated that when children are taken into custody for abuse and neglect, the parents are asked to pay support to the state. He thinks if you are required to pay support, the laws should at least require supervised visitation, which provides a greater motivation to pay.

2. The following witnesses testified regarding adoption promotion:

The first witnesses giving testimony regarding adoption promotion were Amy Martin and Annette House, from the Children's Division. Ms. House discussed efforts the division has made to assist in recruitment of adoptive families, including holding informational meetings, giving opportunities for communities to obtain information about adoptions, and having speaking engagements. They have also partnered with several community and national organizations, and have developed grass roots work groups to help with recruitment.

The committee discussed ways the legislature might help provide incentives for in-state adoptions, rather than international adoptions. Ms. Martin stated that for in-state adoptions, the children have the opportunity to meet and spend time with the family, and that this type of targeted recruitment has proved successful. However, international adoptions might be desirable because there is little to no parental involvement, there's no fear of the parents returning and perhaps trying to regain custody of the children. Also, many of the TPRs are appealed and can take years to be resolved, the international process can be quicker. If judges were more willing to TPR even if there is not an adoptive home waiting, this could help speed up the process. The Children's Division has ongoing talks with the Office of the State Courts Administrator to discuss concerns such as these.

Melanie Scheetz, from the Foster & Adoptive Care Coalition, explained various recruitment methods her organization has utilized and suggestions to help promote successful adoptions. She stated that not only do they utilize a variety of methods to recruit homes, but they provide ongoing supports for the families. So many foster children have special needs, emotional, behavioral, medical needs. Many of the children are also older, and have a variety of medical and developmental issues. These things can be addressed with proper support, however.

Ms. Scheetz testified that ten states have started post-adoptive resource centers, which are an inexpensive way to start a one-stop place for families to deal with questions about the system, insurance, mental health, services, etc. Respite care and educational resources could help prevent many displacements. Mental health services are also necessary, and caseworkers who can assist with crisis intervention. Post-adoptive resource centers could assist with these issues. Ms. Scheetz said she would submit a proposal for two post-adoptive resource centers, in Kansas City and St. Louis, as a pilot project. It would cost about 300 thousand yearly to fund a center, and the federal government would support this with Title IV-E funds. In other states that have these, 75 percent of the children stay in the home, and more families are satisfied with the results. She mentioned that several states now have mental health professional academies where professionals can be trained in adoption-specific issues. These types of specific training and supports help after adoptions are finalized, which can sometimes be when the difficult work begins.

Meg Petri Jokerts, a foster and adoptive parent, discussed her experiences with the state foster care system. During training, she and her husband told the state that they only wanted to work with children whose parents rights had already been terminated, they were very honest that they did not want to work with birth parents. They had a boy placed with them, and were told by workers that his TPR hearing was coming up. The workers also said he had no mental or physical or educational issues. Once he moved in, though, they found that he had a lot of mental problems, that his TPR hearing was never scheduled, and still has not been scheduled, his caseworker changed three times in six months, his Guardian ad Litem changed, his Court-Appointed Special Advocate dropped the case, and the judge changed. They requested respite care two weeks after he arrived, which wasn't approved until two weeks before he was removed

– over six months later. Then, their names were released to the birth parents, causing them to suffer vandalism, people showing up in the night shining lights into their windows, and concerned neighbors thinking their home was targeted by burglars. They had to have the child removed, and state that they would never attempt to adopt in-state again.

Ms. Jokerts suggested that something has to be done to provide for consistency for children in state care. Workers at the not-for-profit center she worked with, which contracts with the state, had a high turnover rate, were not well-trained, and did not treat families with respect or act professional. She also suggested long-term mental health provisions for children, especially with professionals that have been trained on the needs of foster and adoptive children, such as reactive attachment disorder. Respite care should also be set up before the child is placed in a home.

Gerald W. Hogenmiller, a foster and adoptive parent, discussed his family's experiences with the system. While they are grateful that cost of individual, group, and family counseling have been covered by Medicaid, the schools and private insurance, he still needs parental support, respite care, and additional mental health services that are not being provided. Also, it was a constant struggle and took multiple phone calls to find information needed to navigate the maze of state agencies and the insurance process, and thinks many families would benefit from an agency who could help them find many different paths for the children to help them realize their full potential and to find additional and continued support.

Peggy Slater, a single foster parent, stated that she was a foster parent for one year but stopped, as many families have. She felt that there was too much emphasis on the goal of family reunification and not on what is in the best interests of the child. She felt the lack of support services were a serious problem. She fostered an older child, and after the child turned thirteen, there were no provisions for any after-school services. As a foster parent who worked full-time she could not be with the child after school, but the child needed constant supervision. The child had to be moved to another placement, and is now on her third family placement, is failing her classes, and having severe emotional problems. She asks the committee to help with providing adequate support services for foster families.

Pamela Rose, a foster and adoptive mother for the past fifteen years, discussed her experiences in adopting special needs children. She is single, and has been demoted from her position of employment because of the extra time the children need. Although she works for the government, her office has been unsympathetic. She mentioned that foster and adoptive parents do not receive insurance for themselves, so even if many want to stay home to care for children, most do not have the resources to pay for it. She also stated that when children are adopted, the subsidies drop. These subsidies are also the second-lowest paid for adoption in the entire country. She wonders why the state is willing to pay over three thousand dollars for a child to stay in an hospital for a month, but won't even pay her one thousand monthly for the child to stay in her home. Ms. Rose also submitted written testimony describing her experiences.

Sheri Perry, a foster parent, stated that she thinks families need to have more information

about where the children come from, including their heritage.

Ronnie Dean, a foster parent, thinks that juvenile officers and social workers should be punished for violating their own policies and manuals, which he believes occurs regularly.

Kimberly Harrison, Earl Elmore, and Tamara Bland, parents, discussed their problems with the Children's Division, stating that they felt the division was unresponsive to their questions, delayed and prolonged cases so long that the parents eventually give up, and that many other parents are also dealing with these issues.

Maggie Smith, an adoption specialist with the Family Resource Center in St. Louis, had four main suggestions:

- (1) TPR needs to be completed as soon as it is determined that reunification with the family is not in the best interests of the child. She mentioned the lengthy appeals process.
- (2) She feels that statewide standardization of processes and paperwork, within agencies and courts, is necessary. She works in four different counties and they all do things differently, but all believe they are following current policy.
- (3) She believes respite care should be a part of the basic subsidy package, and that it is too long a process to get this approved.
- (4) She also believes adoption subsidies should be continued without a means test. It is scary for a family to commit to adoption if they are unsure whether or not the subsidy will continue.

She believes that if these issues are worked on, it would provide greater success in finding and maintaining adoptive relationships.

Kathleen DuBois, the managing attorney for the Family Court Project for Legal Services of Eastern Missouri, testified regarding parental visitation. She stated that currently, state statute allows a parent to file a motion if they are being denied visitation, and are entitled to certain procedures. However, the law is only applicable to parents that are married. She suggested that this section, within chapter 453, be broadened to provide that if there is a paternity action, it can be enforced in the same manner as when parents are married.

Also, regarding testimony given by Judge Frawley, she stated that the juvenile office has taken over a lot of executive duties, even though they are within the judiciary. She thinks the system is somewhat fragmented, and hopes the committee will help get the systems in line. She also testified her concerns that many cases of abuse and neglect are purely based on parental poverty. Ms. DuBois also submitted written testimony and exhibits discussing the role of race and poverty and how it affects family reunification, and suggested that legislation which attempts to speed up the pace of TPRs would disproportionately affect poor people and would be subject to constitutional attack.

Yvonne M. Allen, from the Foundation for Court Reform, said that services should be given to biological parents to place them on at least the same footing as foster and adoptive parents. She also submitted written testimony and exhibits to the committee describing the federal incentives process and some of the problems caused by the competition and incentive

awards.

Sue Dersch, an adoptive parent of two foster children and advocate for the AWARE program at Barnes-Jewish Hospital, stated that she has experienced both parts of the system, the part that brings the children into care, and the part that treats the children while they are in state care, and that she believes both parts are broken. She also wonders what would have happened if the biological mother was given the resources to help her stabilize her life, and that upfront support for the parents will be better for the children and more cost-effective. She also submitted written testimony describing experiences she and others have had with the foster care system.

Sheila Suderwalla, from the Foster & Adoptive Care Coalition, stated that while they do not have a contract with the Children's Division, they do work closely with the agency, helping with recruitment and retention. She focuses with a program solely focused on getting older children adopted, before they age out of the system. Statistics show that children who age out of the system without a permanent family are more likely to end up in the criminal justice system, as well as suffer a multitude of problems. While the program has a high success rate, she believes that if families were given services such as respite care and intervention, that even more adoptions would occur and be successful.

Denise Kelly, from the Foster and Adoptive Care Coalition, submitted written testimony sharing one family's experience with adoption of several special needs children.

Patricia Turpiano submitted written testimony describing her experience as a foster and adoptive parent, which discussed the need for out-reach services and the need for services for children over the age of 18.

C. November 28, 2006, Jefferson City, Missouri.

On November 28, 2006, the committee held its third meeting in Jefferson City, Missouri, at the State Capitol.

1. The following witnesses testified regarding child support enforcement:

The first witnesses testifying regarding child support enforcement were Tracy Blue, and Alice Williams, from the Department of Social Services and St. Charles CWA Local Union. They believe that the most important thing that is needed to help the system is additional staff. Caseloads are currently about thirty to forty percent higher than recommended, and workers tend to burn out and leave because they don't have the resources necessary to handle their caseloads. It doesn't matter how well the system is restructured or reorganized if money is continuously being spent on hiring and training new workers who do not stay.

Ms. Blue testified that the average caseload across the state for a worker who does support establishment and enforcement is about 350-465, and that the average caseload for

workers who do support collections is about 620-745. In her area, technicians may have as many as 1500 cases; the number of cases are escalating, but the number of workers is decreasing as workers leave and are not replaced.

Michelle Wilson, representing herself and Missouri Family Court Reform, stated that she has had many problems with the agency requiring incorrect amounts of support from her and that she cannot get anyone from the agency to listen to her. She feels that we need people at the agencies that will actually listen to clients and make necessary changes, and that parents should get credit against support for time they watched the children. She also discussed the need for a Protective Parent Reform Act, and will submit information describing the act.

2. The following witnesses testified regarding adoption promotion:

Kelly Schultz, a foster and pre-adoptive parent, stated that helpful caseworkers are the key to successful fostering and adopting. She knows caseworkers are extremely overworked, though, and that many do not stay. She suggested that foster families should be recruited at local bridal shows, to plant ideas early. She also said that foster families need training in hair and skin care for African-American children. Primarily, she believes that if families are happy with their caseworkers, they are more likely to tell others to become foster families, and that this is difficult when dealing with a succession of caseworkers, or multiple workers in different counties.

Amy Martin and Celesta Hartgraves spoke on behalf of the Children's Division, and gave a summary of changes made as a result of House Bill 1453, enacted in 2004. This act required that an Office of the Child Advocate be established. Also, the law now mandates that child welfare court hearings be held in a timely manner. Ms. Martin testified that as of last year, over ninety percent of hearings were held in a timely manner, and that this is a real success in moving children towards permanency. The law also raised the standard of proof for investigations from "probable cause" to "preponderance of the evidence," and the child abuse and neglect hotline no longer accepts anonymous calls. They submitted written testimony summarizing other major changes of HB 1453, which include efforts made towards accreditation, new laws which state that no child will be returned to a home if the parent or guardian has committed certain offenses, and procedures for emergency and ongoing background checks of foster, kinship, or adoptive homes, and other changes.

Lori Ross, a foster and adoptive parent for over 21 years, who also runs a not-for-profit agency in the Kansas City area that provides support to foster and adoptive families, said she agrees that families who are happy with the system and have good experiences are more likely to recruit other families. She feels post-adoptive supports are critical for children who have been adopted, to address their special issues. She also gets hundreds of calls monthly from families who are concerned that their small foster or adoptive subsidy, which is one of the lowest in the entire country, is at risk. Because department policy changes so often, they are constantly required to agree to new contracts in order for the children's services to continue. She believes contracts established at the time of adoption must be honored. She mentioned the success of

post-adoptive resource centers that are established in other states.

Ms. Ross testified that while the Office of the Child Advocate is a positive thing, it has the ability to investigate but no ability to enforce suggested changes. She is also concerned that the appeal and review process has become too internalized within the department, and that more outside accountability would be preferable.

Lori Bruns Bucklew, a Kansas City attorney who works in the Juvenile Court system, testified regarding three main issues. Ms. Bruns Bucklew stated that she has been examining successful adoption initiatives in other states, and feels that encouraging public and private recruitment partnerships is important. She would also like the committee to consider legislation that permits open adoptions. Currently in Missouri, adoption records are absolutely closed until the child turns 18 years of age. She feels that a law that allows open adoptions would let families create an agreement that is binding, to issues such as whether the biological parents may still have contact with the children, and that it would encourage adoptions. The committee discussed concerns in situations where it would not be in the child's best interest to have contact with biological parents, and the need for safeguards to adoptive families that do not wish to have contact with parents. Ms. Ross stated that there are problems in some families, and that a choice to families must be offered and protections must be in place, but that most current research shows that open adoptions, in the long run, are better for children. She feels a law could be tailored to achieve these goals.

Christine White, from Lutheran Children and Family Services, a licensed child-placement agency, talked to the committee about voluntary adoptions. When birth parents make a conscious adoption plan, most usually for an infant, many times the juvenile office files a petition to terminate the parents' rights on their behalf. Some courts have stopped doing this, or will put parents through a child abuse and neglect investigation before they continue, which can cause delays. She mentioned that Representative Stephens filed legislation last year to help fix problems and allow different procedures for parents who voluntarily relinquish their rights, which did not pass and should be refiled. She mentioned that workers cannot get children from the hospital without a court order, despite having parental consent, so the abuse and neglect process is often commenced merely so that workers can obtain the court order. Her agency also works with international adoptions, and, in response to the committee's questions as to why there has been tax credit money leftover in previous years for in-state adoptions, she stated that families prefer to adopt younger children. The TPR and appeals process in-state can be lengthy and families may not want to wait. Also, many families who adopt internationally have more means, are in a higher tax bracket and are better able to utilize the tax credits.

Kathy Gerst, an adoptive mother with six adopted children and one biological child, feels that honoring the contracts of adoptive families is important. She is concerned about proposals of budget cuts that will affect their contracts, especially the cuts in Medicaid coverage of therapy. If therapy is taken away, many placements could be disrupted if abused and neglected children don't get services they need, harming recruitment and retention of families. She has talked with families who are afraid to adopt for this reason. Also, when she applied for an

adoption tax credit, she never received it and was told that the money was gone. This was several years ago, however.

D. January 23, 2007, Jefferson City, Missouri.

The committee held its final meeting on January 23, 2007, at the State Capitol, and invited testimony from certain agency officials.

The following witness testified regarding child support enforcement:

Janel Luck, the Director of the Family Support Division, gave feedback to the committee regarding issues they had targeted from public testimony. Regarding child support enforcement, Ms. Luck stated that one of the primary issues involved the difficulty with interstate support cases, which add even more complexity to the process. She stated that one of the things the agency has done to address this issue is within the restructuring of the agency. They now have workers who specialize in interstate cases, who can develop relationships with other state workers and make the process more efficient.

She reiterated that customer service was a major complaint brought up in testimony. The agency has also addressed this through the Customer Call Center, which began last year, and which provides a toll-free number for parents to check on their cases and get quicker responses. They have expanded this service statewide and are getting good feedback. Additionally, they have technology that allows them to record every call, so if somebody has a concern as to how they were treated or what was said, the agency can review the conversation.

Another issue discussed was the delay in obtaining modifications of child support orders, which Ms. Luck agreed is an issue. They have proposals as to how to amend current statutes in order to authorize the division to modify judicial orders, which would expedite the process by preventing delays inherent in the court process.

Many fathers testified their belief that the system is tilted against them and in favor of mothers, as the vast majority of fathers are noncustodial parents. Ms. Luck stated that the agency would like to establish a noncustodial parent orientation in order to let the parents know what to expect, and to provide a greater understanding as to the child support system, including the consequences for failure to cooperate. She is also hopeful that such an orientation will help people also understand the Division's limitations, and assist parents in addressing appropriate issues with the court instead. Ms. Luck also mentioned the Mediation Achieving Results for Children program (MARCH), which offers services to help parents iron out issues such as custody, visitation, and child support. She stated that last year MARCH assisted with 731 mediations, and that this program is being expanded to all jurisdictions so that it will be more widely available.

She mentioned that several people testified that had issues with owing child support to more than one former partner. She said that although these cases only amount to about 11

percent of their total cases, they often hear from the parents due to the complexity of the cases. The agency is required to abide by certain federal rules regarding the distribution of child support, and she believes education will help people better understand these complicated cases. Organizations such as the Fathers' Support Center or other places who work with parents to help them understand their roles and fulfill their obligations help the Division, and they will continue to work with them.

Ms. Luck also mentioned testimony regarding laws involving termination of child support and emancipation of children. She agrees that these issues are complicated. She stated that the majority of states' laws provide that child support ends at age 18, or until the child graduates from high school, whichever is later. Missouri's law provides that child support may continue until the child turns age 21 or 22 if the child is enrolled in an institution of higher education. While she agrees that these issues are complicated and could be simplified, she does not take a stand as to how this can be completed.

She discussed legislation that the Department is proposing. One piece of legislation addresses an issue discussed at hearings, regarding administrative modifications of child support orders. Also, due to changes at the federal level, one of their recommendations is that when child support arrearage reaches a certain amount, that the noncustodial parent's passport could be withheld. At the federal level this occurs if the arrearage is over \$2,500, they would like legislation to match the federal level. She also mentioned that they do not have access to a noncustodial parent's gambling boat winnings, and would like to be able to intercept these moneys, as they can with lottery winnings. They are also recommending cleaning up statutory definitions.

In response to committee questions about the Customer Call Center, Ms. Luck invited the committee members to visit the Call Center. She stated that Call Center staff are required to go through extensive training. They have found that about 80 percent of questions that come to staff are answered by Call Center staff the first time that customers call. If the staff is unable to get the information needed from their computer database, they will arrange for a time that the customer's county caseworker can call them. The main questions they receive regard payment information, and workers can check through the database whether payments were made, received, and when they can be disbursed. The Call Center takes a lot of work away from the local offices and allows them to better focus on their cases, so this restructuring is helping improve system efficiency.

In response to committee questions about the length of time it can take to get modifications to support orders, Ms. Luck explained that there are two types of orders - judicial orders issued by a court, and orders that the Division has established administratively. If the Division is working with administrative orders, then they can obtain necessarily financial information and make a modification based on the same Supreme Court guidelines and forms used by the courts. However, she mentioned that there is confusion regarding the Division's ability to administratively modify a judicial order. She stated that in some jurisdictions, the Division can recommend an administrative modification and ask the court to approve it and they

will do so. In other places, the court refuses to approve administrative orders and instead requires that a petition be filed with the court to request a judicial determination of modification. They would like the Division to be able to administratively modify judicial orders, in the same way that they can modify orders that were established administratively.

Senator Coleman asked about systems that the state has in place to properly determine the income of a noncustodial parent. Ms. Luck stated that they have several automated matches, including a state and national directory of new hires, quarterly wage match information, and other systems. Custodial parents can also give information to the Division; often they might know of a change prior to the agency receiving data matches, so they encourage custodial parents to give them as much information as possible. She stated that while some of these data matching systems have been in place for a while, the national new hire data matches are more recent, and the new enforcement structure is also designed to help them be more efficient and effective when they receive the data matches. When the workers have every type of case in their caseload, it is more difficult for these cases to get the assistance they need. Specializing has really helped with this and they hope it continues to get more effective.

Senator Coleman inquired as to whether safeguards have been put in place to ensure that the calculations regarding noncustodial parent support obligations, in order to prevent the tragedy that occurred in St. Louis last year. Ms. Luck again pointed to the restructuring of the Division, and the specialized caseloads. She stated that there are so many factors that go into determination of support orders, and often, there is information about the case that the Division may not be aware of, such as when noncustodial parents pay money to custodial parents outside of the system or when parents change custody arrangements. To the extent that they have all of the necessary information, they try to make adjustments when they are needed and in a timely manner. They are also doing case reviews, to see where there are problems and where additional training may be needed.

Ms. Luck also stated that the workers are there to serve families and provide child support services, and she believes staff does a very good job with their duties. Workers have a difficult job; they are dealing with broken relationships, emotional issues, monetary issues, and due to this, people are going to get upset even when everything is done correctly in their cases. She believes workers are committed to the goals of the agency, and that they always strive to treat people with dignity and respect in these difficult and emotional issues.

The following witness testified regarding adoption promotion:

Paula Neese, from the Children's Division, recognized testimony that expressed the need for more creative recruitment of adoptive homes, as well as public and private agency partnerships. She was surprised to hear this testimony, as she believes this is one of the Division's strengths. She mentioned the success of The Heart Gallery; 74 children or sibling groups were displayed in the gallery, and over a third of these children have been adopted. Also, they received a 75 percent increase in inquiries about children available for adoption. They also have adoption exchanges, profile parties, adoption fairs, picnics, websites, other media avenues,

and faith-based recruitment, and collaborate with community partnerships in order to help achieve the goals. While there is always room for improvement, she believes they have good methods and collaborations in place currently.

With regards to subsidies and foster and adoptive parent contracts, she noted that people testified that contracts between parents and the Division should be honored and not changed. She believes that it would help if the contracts were clearer, as there had been some misunderstanding with attachments to contracts in the past, but that new contracts will not be as misleading. She recommended that if an adopted child is receiving a certain subsidy, that this agreement continue until the child turns 18 years of age. Another recommendation is that the contracts be child-specific. For instance, if a parent has a contract for a group of children and then one child turns 18, the contract then has to be changed for the remainder of the children. She would like the contracts to be specific to each child so that other children's contracts are not altered. She also believes this would help with customer service, however, she felt that this was not something that needed to be fixed legislatively. They would also like to have subsidies terminate at age 18, but require that those children who still need subsidies past this time would have a contract in place prior to their 18th birthday, which would also be child-specific.

Ms. Neese testified that Governor Blunt had asked the Division to look at the adoption process; they had several meetings with adoption specialists, and several recommendations came from these meetings, as follows. They recommend that the Division work on rules, but that statutory changes are not needed. Currently, the statutes talk about which children are eligible for certain services and discuss special needs children and services available, but that the definitions are not clear. They would like to make these definitions clearer in the rules.

Ms. Neese also stated that people testified that county to county, files and procedures are not consistent. She stated that each county should have similar files, and while they do have policies to address this, they think it would be good to adjust the rules in this regard. Also, this would help reduce legal risk by ensuring the Division is more compliant with federal laws.

She also stated that a repeated issue in testimony was that of the high rates of worker turnover. She stated that reducing caseloads, and making staff feel like they are acknowledged as a professional, helps reduce turnover. Worker training has also been improved, they have great clinical supervisory training in place now, and there are also more opportunities for staff members to attend part-time advanced degree programs, and further their education in this regard.

Finally, there was testimony regarding children who age out of the system, and whether adequate supports were in place for such children. Ms. Neese stated that it is possible for children to continue to receive services until they are 21, especially if they want extra supports. They also have advocate homes, transitional living programs, and other services for children who wish to remain in the system past the age of 18. They encourage the foster children to participate in independent living programs, however, so those children who choose to leave the system will have knowledge to be able to be successful on their own.

III. RECOMMENDATIONS:

Adoption Promotion

1. The committee recommends that the General Assembly consider requiring the Division of Social Services to promulgate rules regarding concurrent planning, which recognizes that even when the goal for the child is reunification with his or her family, the parents do not have an unlimited time in which to meet case goals to enable reunification, and an alternate plan must therefore be considered. The committee asks the General Assembly to also require the division to promulgate rules with respect to joint training on concurrent planning with Division and juvenile court personnel.
2. The committee recommends that the General Assembly explore evidence presented to the committee that judges may be reluctant to terminate a parent's rights when a preadoptive home has not yet been located for the child or children, and that it examine ways to ensure that the case goals are met in a timely and efficient manner.
3. The committee recognizes the significant need for post-adoptive resources for families, and recommends that the General Assembly explore funding after determining the feasibility and fiscal impact of state post-adoptive resource centers that are parent-driven.
4. The committee recommends that the General Assembly further examine current processes with regard to foster parent access of medical or psychological records of foster children, and how foster parents could be provided more thorough information regarding any medical, behavioral, or other psychological problems the child or children may exhibit.

5. The committee recommends that the General Assembly determine if current laws and rules are in place to determine if there are adequate protections for the identity and privacy of foster parents.
6. The committee recommends that the General Assembly require the Division to promulgate rules to ensure that policies and paperwork are standard statewide, and do not differ from county to county.
7. The committee recommends that the General Assembly consider requiring the Division to promulgate rules for contracts made between the Division and foster or adoptive parents, such as lengthening the time for contract readjustment, and ensuring that the contracts are expressly clear as to their terms and duration, in order to provide greater reassurance that families will be able to provide continued care for foster and adopted children.
8. The committee recommends that the Division require that contracts between the Division and foster or adoptive families are specific to the needs of each foster or adoptive child and that the subsidies are adequate to provide services needed by such child or children, and that such child-specific contracts address any need for after-school programs for teenaged foster children who are in need of supervision, or for respite care for adopted children.
9. The committee recommends that the General Assembly further explore consequences of prior legislation on voluntary adoptions, and, due to the differences between voluntary and contested terminations of parental rights, how the voluntary adoption process could be made more efficient.
10. The committee recommends that the Division further expand the Missouri Heart Gallery, which has been proven successful as an adoption recruitment and promotion tool, as 25 of the 74 children or sibling groups presented by the Gallery have been adopted.
11. The committee recommends that the Division further utilize adoption exchanges, web sites, adoption fairs, referrals to private agencies, newspaper, television, and faith-based recruitment avenues for foster and adoptive families. Additionally, the committee recommends that the Division explore the possibility of having families who have fostered or adopted teenaged children, or children with special needs, speak with the community in order to help recruit others to do the same.
12. The committee encourages the Division to work with contracted providers and engage in continuing dialogue regarding any barriers or problems within the adoption process, including issues related to the differences between voluntary and involuntary adoptions, and that the Division provide feedback or recommend legislation to address such issues in its required annual report to the General Assembly.
13. The committee also recommends that the Division strongly encourage children to participate in independent living programs, and that it encourage children who have successfully

participated in such programs to come back and talk to other foster children to convince them to also participate, and that the Division provide information about rates of participation and success for such programs by annually submitting their report and application for federal funding to the Missouri General Assembly.

Child Support Enforcement

1. The committee recommends that the General Assembly adopt policies to ensure that parents who are only making minimal efforts to comply with child support orders, but who have the ability to make greater payments or to fully comply with orders, cannot escape sanctions currently in place for noncompliance.
2. The committee asks that the General Assembly encourage the Supreme Court to explore options to address amounts of child support that would have been due if the noncustodial parent had not purposely made themselves unavailable for timely service of process.
3. The committee recommends that the General Assembly investigate the current process by which the Division establishes child support orders through the administrative process, and, if necessary, give the Division the authority to vacate an administrative order which was improperly established without jurisdiction or due process without requiring a court order.
4. The committee also recommends that the General Assembly examine the possibility of proposing legislation to clarify that the Division may make an administrative modification to an existing judicial support order, subject to court approval, in order to expedite the process by assisting the court with the gathering of evidence necessary for approval of modifications. The committee also recommends that the Division investigate which jurisdictions are allowing such court-approved administrative modifications, and the effect that it has had on facilitating timely and accurate modifications.
5. The committee recommends that the General Assembly examine additional ways to educate non-custodial parents as to issues regarding child support and visitation in order to help them understand that these issues are separate and distinct, that the General Assembly explore the possibility for funding to implement a non-custodial parent orientation and that the General Assembly further fund programs such as a Mediation Achieving Results for Children and other ways to help parents constructively deal with contentious issues such as visitation and custody.
6. The committee encourages the Division to aggressively and continuously examine issues related to customer service and training of workers, and that the General Assembly, through the Division, continues to provide funding and support for the Customer Call Center.
7. The committee suggests that the General Assembly consider encouraging the Supreme Court to investigate the possibility of creating special dockets or divisions within circuit courts to solely hear cases involving child support order modifications.

8. The committee also strongly encourages the Department of Social Services to require more discussions and training in order to provide greater efficiency and less disconnect between the divisions, including more interagency cooperation, data-sharing, or other processes that could help each division more efficiently meet their goals.

9. The committee recommends that the Department of Social Services provide a report to the Senate Pro Tem by April 1, 2007, regarding the recommendations in this report and changes that have or will be made to the divisions' current procedures.